

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 18-7329 MWF (SKx) Date: December 11, 2018

Title Jose Mendez v. R. Family Inc., et al.

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez Not Reported
Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiffs: Not Present Attorneys Present for Defendants:
Not Present

**Proceedings: (IN CHAMBERS) THIRD ORDER TO SHOW CAUSE RE: DISMISSAL
FOR LACK OF PROSECUTION**

On October 31, 2018, the Court issued an Order to Show Cause Re: Dismissal for Lack of Prosecution (“First OSC”), requiring a response by November 19, 2018. (Docket No. 9). On November 16, 2018, in response to the First OSC, Plaintiff filed a Proof of Service which reflected that service was completed on October 26, 2018, prior to the issuance of the First OSC. (Docket No. 10). A response to the Complaint was due November 16, 2018.

After Plaintiff did nothing to further prosecute this action, the Court issued a Second Order to Show Cause (“Second OSC”) on November 27, 2018, requiring a response by December 7, 2018. (Docket No. 11). On December 6, 2018, in response to the Second OSC, Plaintiff filed a Request for Clerk to Enter Default. (Docket No. 12).

On December 10, 2018, the Clerk issued a Notice of Deficiency Re: Request for Clerk to Enter Default. (Docket No. 13). The Clerk noted that the Request for Clerk to Enter Default did not include a declaration as required by Federal Rules of Civil Procedure, Rule 55(a).

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Because the Court has already issued two Orders to Show Cause, and warned that it would not issue another, it is reluctant to grant Plaintiff an extension. However, the Court will permit Plaintiff to correct the Request for Clerk to Enter Default.

IT IS HEREBY ORDERED that Plaintiff shall correct and re-file a Request for Clerk to Enter Default Against Defendant R. Family Inc. no later than **DECEMBER 14, 2018**. Failure to re-file a proper Request will result in dismissal of this action.

No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the dismissal of this action.

IT IS SO ORDERED.

Initials of Preparer: RS/sjm